IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.5222 OF 1999

Raghunath Dadu Patil & Ors. .... Petitioners
Vs.
State of Maharashtra & Ors. .... Respondents

Shri Suresh Pakale, Advocate, for the Petitioners.

None for the Respondents.

CORAM: R.M.S. KHANDEPARKAR &
NARESH H. PATIL, JJ.

DATED: AUGUST 16, 2006

P.C:

1. Heard. Perused the records. The petition was filed essentially seeking interpretation of the Clause 2 of the G.R. dated 12-3-1998 and even at the time of issuing rule in the petition, it was observed that it is necessary to decide as to whether the five years' relaxation contemplated under the Clause 2 of the said G.R. will be applicable to the recruits in the census department alone or it will apply to the recruitment in the other departments also on completion of the contractual service in the census department. Undisputedly, as on this day, any interpretation of the said clause would be of no help to the petitioners as the petitioners have not only crossed the said period of five years but even many more years beyond the said period of five years. In these circumstances, the point

which is sought to be raised in the petition is purely of an academic interest and is not going to be of any help in any manner to the petitioners in this petition. Being so, there is no justification for spending the valuable time of the Court on such academic point which is not necessary for considering the grievance of the petitioner at this stage. Needless to say that the appointment of Smt. Shashikala Janardhan Salokhe was ordered under the order dated 2-2-2000 while issuing rule. There was a clear admission on the part of the respondents that she was entitled to be absorbed in terms of the G.R. dated 27-5-1998 and, therefore, the respondents shall not be entitled to terminate her employment merely because the petition is disposed of as infructuous.

2. In the result, therefore, the petition is liable to be dismissed as having been rendered infructuous with the passage of time and is accordingly hereby disposed of as infructuous. The rule stands discharged with no order as to costs.

(Naresh H. Patil, J.) (R.M.S.Khandeparkar, J.)

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